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OFFICE OF PETITIONS

In re Application of	:	
Skolnick et al.	:	DECISION ON PETITION TO
Application Number: 09/322067	:	WITHDRAW HOLDING OF
Filing Date: 05/27/1999	:	ABANDONMENT
Attorney Docket Number: 017886-	:	
0009-999	:	

This is a decision on the petition filed on August 5, 2004, to withdraw the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

A Notice of Abandonment was mailed on July 26, 2004, stating that the application was abandoned for failure to response to the Office action requiring restriction and/or election mailed on March 5, 2003.

Petitioners assert that a timely and proper response to the Office action was filed, with a five (5)-month extension of time.

A review of the record reveals that on March 5, 2003, the Office action requiring restriction and/or election was mailed, setting a one (1)-month shortened statutory period for reply. On September 8, 2003 (certificate of mailing date September 5, 2003), a response to the restriction requirement was filed, accompanied by payment of the fee for a five (5)-month extension of time. The extension of time fee has been received.

As such, the showing of record is that, in filing the response containing a certificate of mailing dated September 5, 2003, petitioners did file a timely and proper response to the Office action mailed on March 5, 2003.

Consequently, the showing of record is that a proper response was timely filed, and there is no abandonment in fact. Any inconvenience caused to applicant is regretted.

The holding of abandonment is **withdrawn**, and the Notice of Abandonment is **vacated**.

The application is being referred to Technology Center Art Unit 1631 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.



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